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Express Mail Label No. EV292460540US
Date of Deposit: October 29, 2004

Date of Deposit: October 29, 2004

DOCKET NO: D0188.70126US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Darois et al.
Serial No.: 09/900,707
Filed: July 6, 2001
Conf. No.: 4890
For: PROSTHETIC REPAIR FABRIC
Examiner: David A. Bonderer
Art Unit: 3732

MAIL STOP ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

1. Request for Reconsideration;
2. Copy of Information Disclosure Statement and Form PTO-1449 (previously submitted); and
3. Return Receipt Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

No fee is due. If it is determined that a fee is due, it may be charged to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

By: James M. Hanifin, Jr.
James M. Hanifin, Jr., Reg. No. 39,213
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, MA 02210
Tel. (617) 720-3500

Date: October 29, 2004
xNDD



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Art Unit: 3732

MAIL STOP ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

Dear Sir:

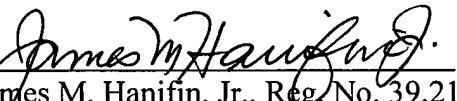
Enclosed is a copy of an Information Disclosure Statement and Form PTO-1449 previously submitted to the Patent Office on January 31, 2002. As discussed with Examiner Bonderer on October 20, 2004, Applicants received copies of only pages 1-4 of Form PTO-1449 initialed by the Examiner. Applicants did not receive a copy of page 5 of the PTO-1449 initialed and signed by the Examiner to evidence that the cited information had been fully considered by the PTO. Consequently, Applicants respectfully request the Examiner provide a complete copy of Form PTO-1449 (pages 1-5) previously initialed and signed by the Examiner, if available. Otherwise, Applicants respectfully request reconsideration of the cited information and request that the enclosed Form-PTO 1449 be signed by the Examiner to evidence that the information has been considered by the Patent and Trademark Office during the examination of this application.

Applicants acknowledge receipt of a Notice of Allowance in this matter. In the Notice of Allowability, the Examiner indicated that the communication is responsive to the interview held on May 19, 2004. As discussed with the Examiner, Applicants subsequently filed an amendment on May 21, 2004 in response to the outstanding Office Action and which incorporated the

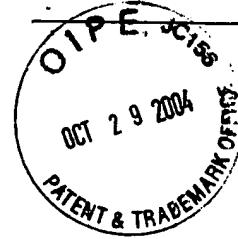
substance of the discussion during the interview into the remarks. Applicants respectfully request that the Examiner issue a supplemental Notice of Allowability indicating that it is responsive to the amendment which was received by the Patent Office on May 24, 2004.

If the Examiner has any questions concerning the foregoing, the Examiner is requested to call the undersigned attorney at the telephone number listed below. If there is a fee occasioned by this request that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

By: 
James M. Hanifin, Jr., Reg. No. 39,213
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Telephone: (617) 646-8000

Date: October 29, 2004
xNDD



COPY

ATTORNEY'S DOCKET NO: D0188/7126

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Darois et al.
Serial No: 09/900,707
Filed: July 6, 2001
For: PROSTHETIC REPAIR FABRIC
Examiner: Not yet assigned
Art Unit: 3732

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on January 29, 2002.


Colleen Snyder

Commissioner for Patents
Washington, D.C. 20231

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes of record that co-pending U.S. Patent application serial no. 09/661,623 filed September 14, 2000 (copy enclosed) may be directed to related subject matter.

PART III: Explanation of Non-English Language References

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

The relevance of German reference DE 298 17 682 U may be determined from its drawings and the English abstract obtained from the DERWENT World Patent Index as follows:

Abstract (Basic):

NOVELTY – The webbing (10) made of mono fiber propylene has a rectangular main area (11) with a cut (12), positioned vertically to the lateral edge (14) of the main area (11) and welded at the end (19), for the insertion of one or more body parts, in particular the spermatic cord. The cut (12) is covered with a second piece of rectangular netting (13), which is fixed with one of its lateral edges (15) to the main area (11).

USE – The new type of hernia support netting is used by the surgeon in a hospital.

ADVANTAGE – The cover part and the welded end of the cut of the new design of a hernia support netting prevent the affected area from injuries and keep the netting safely in place.

DESCRIPTION OF DRAWING(S) – The drawing shows a top view of the netting.

webbing (10)
main area (11, 11')
cut (12)
cover (13)
lateral edges of main area (14, 16, 17, 18)
fixed edge of cover (15)
welded end of cut (19)
loose edge of cover (22)

The relevance of European reference EP 0 194 192 A1, entitled “Absorbable composite chirurgical material, method of preparation, resorbable prosthesis based on this material and use of this prosthesis”, may be gleaned from its drawings and the English abstract obtained from the esp@cenet database as follows:

Abstract: Absorbable composite surgical material comprising a reinforcement essentially constituted of resorbable synthetic threads, and a sheet of reconstituted collagen, the said sheet being laminated with at least one face of the said reinforcement for the purpose of filling in a leakproof manner the interstices between the said resorbable synthetic threads.

The relevance of European reference EP 0 719 527 may be determined from its counterpart U.S. Patent No. 5,697,978.

The relevance of French reference FR 2 744 906 A1 may be determined from its English translation attached thereto in prior application no. 09/309,071.

The relevance of Soviet reference SU 1 718 857 may be gleaned from its drawings and the English abstract attached thereto in prior application no. 09/309,071.

PART IV: Remarks

A copy of each of the above-identified information is enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

Darois et al., *Applicant(s)*

By:

James M. Hanifin Jr.
James M. Hanifin, Jr., Reg. No. 39,213
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, MA 02210
Telephone (617) 720-3500

Docket No. **D0188/7126**
Dated: January 31, 2002
xNDD

OCT 19 2004

PATENT & TRADEMARK OFFICE

'ORM PTO-1449/A and B (Modified)

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

Sheet 1 of 5

APPLICATION NO.: 09/900,707	ATTY. DOCKET NO.: D0188/7126
FILING DATE: July 6, 2001	
APPLICANT: Darois et al.	
GROUP ART UNIT: 3732	EXAMINER: Not Yet Assigned

U.S. PATENT DOCUMENTS

Examiner's Initials#	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
		2,621,145*		Sano	12/09/1952
		2,671,444*		Pease, Jr.	03/09/1954
		3,054,406*		Usher	09/18/1962
		3,124,136		Usher	03/10/1964
		3,272,204*		Artandi et al.	09/13/1966
		3,625,209*		Clark	12/07/1971
		3,953,566		Gore	04/27/1976
		3,965,703		Barnhardt	06/29/1976
		4,051,848*		Levine	10/04/1977
		4,187,390		Gore	02/05/1980
		4,277,429		Okita	07/07/1981
		4,347,847		Usher	09/07/1982
		4,400,833*		Kurland	08/30/1983
		4,403,604		Wilkinson et al.	09/13/1983
		4,452,245		Usher	06/05/1984
		4,478,665		Hubis	10/23/1984
		4,576,608*		Homsy	03/18/1986
		4,585,458*		Kurland	04/29/1986
		4,633,873*		Dumican et al.	01/06/1987
		4,655,221*		Devereux	04/07/1987
		4,693,720*		Scharnberg et al.	09/15/1987
		4,713,075		Kurland	12/15/1987
		4,725,279*		Woodroof	02/16/1988
		4,760,102		Moriyama et al.	07/26/1988
		4,769,038*		Bendavid et al.	09/06/1988
		4,796,603		Dahlke et al.	01/10/1989
		4,840,626		Linsky et al.	06/20/1989
		4,854,316*		Davis	08/08/1989
		4,871,365		Dumican	10/03/1989
		4,882,162*		Ikada et al.	11/21/1989
		4,942,875*		Hlavacek et al.	07/24/1990
		4,955,907		Ledergerber	09/11/1990
		4,994,084		Brennan	02/19/1991
		4,997,440*		Dumican	03/05/1991
		5,002,551*		Linsky et al.	03/26/1991
		5,007,916*		Linsky et al.	04/16/1991
		5,092,884*		Devereux et al.	03/03/1992

OCT 29 2004

ORM PTO-1449/A and B (Modified)

APPLICATION NO.: 09/900,707

ATTY. DOCKET NO.: D0188/7126

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

FILING DATE: July 6, 2000

APPLICANT: Darois et al.

GROUP ART UNIT: 3732

EXAMINER: Not Yet Assigned

Sheet . 2 of 5

U.S. PATENT DOCUMENTS

Examiner's Initials#	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
		5,100,422*		Berguer et al.	03/31/1992
		5,104,400*		Berguer et al.	04/14/1992
		5,110,527		Harada et al.	05/05/1992
		5,116,357*		Eberbach	05/26/1992
		5,116,360*		Pinchuk et al.	05/26/1992
		5,122,155*		Eberbach	06/16/1992
		5,141,515*		Eberbach	08/25/1992
		5,141,522*		Landi	08/25/1992
		5,147,401*		Bakker et al.	09/15/1992
		5,195,542		Gazielly et al.	03/23/1993
		5,217,494		Coggins et al.	06/08/1993
		5,222,987*		Jones	06/29/1993
		5,234,739		Tanaru et al.	08/10/1993
		5,234,751		Harada et al.	08/10/1993
		5,254,133*		Seid	10/19/1993
		5,258,000*		Gianturco	11/02/1993
		5,282,851		Jacob-LaBarre	02/01/1994
		5,290,217*		Campos	03/01/1994
		5,292,328		Hain et al.	03/08/1994
		5,326,355*		Landi	07/05/1994
		5,333,624		Tovey	08/02/1994
		5,334,217*		Das	08/02/1994
		5,356,432*		Rutkow et al.	10/18/1994
		5,366,460*		Eberbach	11/22/1994
		5,368,602*		de la Torre	11/29/1994
		5,370,650*		Tovey et al.	12/06/1994
		5,425,740*		Hutchinson, Jr.	06/20/1995
		5,433,996*		Kranzler et al.	07/18/1995
		5,456,720*		Schultz et al.	10/10/1995
		5,461,885*		Yokoyama et al.	10/31/1995
		5,480,436*		Bakker et al.	01/02/1996
		5,507,811		Koike et al.	04/16/1996
		5,508,036*		Bakker et al.	04/16/1996
		5,519,004*		Urry	05/21/1996
		5,522,896		Prescott	06/04/1996
		5,545,178		Kensey et al.	08/13/1996
		5,569,273*		Titone	10/29/1996

OCT 29 2004

PATENT & TRADEMARK OFFICE

ORM PTO-1449/A and B (Modified)

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

APPLICATION NO.: 09/900,707	ATTY. DOCKET NO.: D0188/7126
FILING DATE: July 6, 2000	
APPLICANT: Darois et al.	
GROUP ART UNIT: 3732	EXAMINER: Not Yet Assigned

Sheet 3 of 5

Examiner's initials#	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
		5,591,234		Kirsch	01/07/1997
		5,593,441*		Lichtenstein et al.	01/14/1997
		5,601,579*		Semertzides	02/11/1997
		5,614,284*		Kranzler et al.	03/25/1997
		5,634,931*		Kugel	06/03/1997
		5,634,944		Magram	06/03/1997
		5,653,760		Saffran	08/05/1997
		5,695,525*		Mulhauser et al.	12/09/1997
		5,697,978*		Sgro	12/16/1997
		5,716,408*		Eldridge et al.	02/10/1998
		5,716,409*		Debbas	02/10/1998
		5,722,992*		Goldman	03/03/1998
		5,725,577*		Saxon	03/10/1998
		5,733,337*		Carr, Jr. et al.	03/31/1998
		5,743,917*		Saxon	04/28/1998
		5,759,204		Seare, Jr.	06/02/1998
		5,766,246*		Mulhauser et al.	06/16/1998
		5,769,864*		Kugel	06/23/1998
		5,813,975*		Valenti	09/29/1998
		5,824,082		Brown	10/20/1998
		5,855,613		Antanavich et al.	01/05/1999
		5,861,034		Taira et al.	01/19/1999
		5,879,366		Shaw et al.	03/09/1999
		5,916,225*		Kugel	06/29/1999
		5,919,232		Chaffringeon et al.	07/06/1999
		5,922,026		Chin	07/13/1999
		5,954,767		Pajotin et al.	09/21/1999
		5,972,007		Sheffield et al.	10/26/1999
		5,990,378		Ellis	11/23/1999
		5,990,380		Marotta et al.	11/23/1999
		6,004,333*		Sheffield et al.	12/21/1999
		6,031,148		Hayes et al.	02/29/2000
		6,066,776		Goodwin et al.	05/23/2000
		6,120,539		Eldridge et al.	09/19/2000
		6,258,124	B1	Darois et al.	07/10/2001

OCT 29 2004

PATENT & TRADEMARK OFFICE

FORM PTO-1449/A and B (Modified)

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

Sheet 4 of 5

APPLICATION NO.: 09/900,707	ATTY. DOCKET NO.: D0188/7126
FILING DATE: July 6, 2000	
APPLICANT: Darois et al.	
GROUP ART UNIT: 3732	EXAMINER: Not Yet Assigned

FOREIGN PATENT DOCUMENTS

Examiner's Initials#	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
	CA	2,114,282*			Schilder et al.	07/29/1994	
	DE	298 17 682*	U1		Medimex Hofeld	04/15/1999	Abstract
	EP	0 194 192*	A1		Ethnor	09/10/1986	Abstract
	EP	0 334 046*	A2		Devereux, Dennis F.	02/24/1989	
	EP	0 358 819*	A1		Dow Corning Kabushiki Kaisha	03/21/1990	
	EP	0 362 113*	A1		Sideris	04/04/1990	
	EP	0 560 934*	B2		Hayes	08/21/1996	
	EP	0 719 527*	A1		Sgro	07/03/1996	
	EP	0 827 724*	A2		Trabucco	03/11/1998	
	FR	2 744 906*	A1		Bardeau	08/22/1997	Y
	GB	1 352 282*			Cutter Laboratories	06/19/1972	
	GB	1 406 271*			Frankenthal	09/17/1975	
	SU	1718857*	A1		Senyutovich	03/15/1992	Abstract
	WO	82/04390*	A1		Kurland	12/23/1982	
	WO	90/14796*	A1		Muijs Van De Moer	12/13/1990	
	WO	92/10218*	A1		Hayes	06/25/1992	
	WO	92/19162*	A2		Seid	11/12/1992	
	WO	93/17635*	A1		Lichtenstein	09/16/1993	
	WO	94/17747*	A1		De La Torre	08/18/1994	
	WO	96/09795*	A1		Kugel	04/04/1996	
	WO	96/14805*	A1		Valenti	05/23/1996	
	WO	97/21461	A1		Kieturakis et al.	06/19/1997	
	WO	97/35533*	A1		Nicolo	10/02/1997	
	WO	98/14134*	A2		D'Aversa et al.	04/09/1998	
	WO	00/07520*	A1		Pelissier	02/17/2000	Abstract

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials#	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	*	BROWN, M.D., Gregory L., et al., "Comparison of Prosthetic Materials for Abdominal Wall Reconstruction in the Presence of Contamination and Infections", ANNALS OF SURGERY, June 1985, Vol. 201, No. 6, pp. 705-711.	
	*	CARDONA, Hernando M.D., "Prosthokeratoplasty", CORNEA, 1983, Vol. 2, No. 3, pp. 179-182.	
	*	INTERCEED(TC7) Adhesion Barrier Study Group (Cohen, Stephen M., et al.), "Prevention of postsurgical adhesions by INTERCEED(TC7), *an absorbable adhesion barrier: a prospective, randomized multicenter clinical study", Fertility and Sterility, June 1989, Vol. 51, No. 6, pp. 933-938.	

OCT 29 2004

PATENT & TRADEMARK OFFICE

FORM PTO-1449/A and B (Modified)

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

Sheet 5 of 5

APPLICATION NO.:	09/900,707	ATTY. DOCKET NO.:	D0188/7126
FILING DATE:	July 6, 2000		
APPLICANT:	Darois et al.		
GROUP ART UNIT:	3732	EXAMINER:	Not Yet Assigned

Examiner's Initials#	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	*	JENKINS, Scott D., M.D., et al., "A Comparison of Prosthetic Materials Used to Repair Abdominal Wall Defects, SURGERY, August 1983, Vol. 94, No. 2, pp. 392-398.	
	*	UZZO, Robert G. et al., "The Effects of Mesh Bioprostheses on the Spermatic Cord Structures: A Preliminary Report in a Canine Model", The Journal Of Urology, April 1999, Vol. 161, pp. 1344-1349.	
	*	WALKER, Alonzo P., M.D., et al., "Double-Layer Prostheses for Repair of Abdominal Wall Defects in a Rabbit Model.", June 1992, Vol. 55, No. 1, pp. 32-37.	

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. 09/309,071, filed May 10, 1999, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

NOTE - Must provide a copy of any patent, publication, other information listed, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]